

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		
MICHAEL BUXBAUM,	:	
	:	
Plaintiff,	:	
	:	25-CV-527 (JPC) (OTW)
-against-	:	
	:	<u>ORDER</u>
ERIC GOLDSMITH,	:	
	:	
Defendant.	:	
-----X		

ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of ECF 28.

Plaintiff's request to amend his complaint is **DENIED without prejudice to renewal**.

Plaintiff filed his initial complaint on January 17, 2025. (ECF 1). Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff had one opportunity to amend his complaint as of right. Fed. R. Civ. P. 15(a)(1) ("A party may amend its pleading once as a matter of course no later than [] 21 days after serving it, or [,] if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f)[.]"). On January 24, 2025, Plaintiff took that opportunity, and filed an amended complaint as of right. (ECF 3).

Since filing that amended complaint on January 24, Plaintiff has filed three additional amended complaints. (ECF Nos. 7, 8, 16). On April 30, 2025, Plaintiff filed a letter with the Court requesting that the Amended Complaint filed on April 28, at ECF 16, be deemed the operative complaint. (ECF 18). On May 2, 2025, the Court granted Plaintiff's request. (ECF 22).

Thus, the Amended Complaint at ECF 16 is the operative complaint in this action. (See ECF

16). On May 6, 2025, Plaintiff filed a duplicative request that ECF 16 be deemed the operative complaint, which the Court denied as moot on May 9, 2025. (ECF Nos. 24, 27).

In a one-line letter, Plaintiff now requests leave to amend his complaint for the fifth time. (ECF 28). Because Plaintiff has already amended his complaint four times, he must file a motion for leave to amend if he wants to amend again.

If Plaintiff files a motion to amend his complaint, his motion must include: (1) a notice of motion; (2) a memorandum of law explaining why he should be permitted to amend his complaint; and (3) a copy of the proposed amended complaint, as is required by Local Rule 15.1 for the Southern District of New York. Plaintiff's motion, if any, is due **Tuesday, July 8, 2025**.

The Clerk of Court is respectfully directed to close ECF 28.

The Clerk of Court is respectfully directed to serve a copy of this order and a copy of the Docket on *pro se* Plaintiff.

SO ORDERED.

Dated: May 16, 2025
New York, New York

/s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge